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PART-IIA

GOVERNMENT OF MEGHALAYA
POLITICAL DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 6th March, 2014.

No.POL.155/96/Pt/293.—In exercise of the powers conferred by sub-section (1) of Section 41 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994), the Governor of Meghalaya is hereby pleased to make the following Rules, namely, -

1. **Short title and commencement.** — (1) These Rules may be called the Meghalaya Human Rights Commission (Salaries and Allowances and other Terms and Conditions of Service of the Members) Rules, 2014.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** — (1) In these rules, unless the context otherwise requires -
 - (a) "Act" means the Protection of Human Rights Act, 1993 (Central Act 10 of 1994);
 - (b) "Chairperson" means the Chairperson of the State Commission;
 - (c) "Member" means a Member of the State Commission appointed under sub-section (2) of Section 21 of the Act and includes the Chairperson; and
 - (d) "State Commission" means the Meghalaya Human Rights Commission constituted under sub-section (1) of Section 21 of the Act.
 - (e) "Leave" includes earned leave.
(2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings, respectively, as-signed to them in the Act.
3. **Salary.** — There shall be paid to -

(a) The Chairperson a salary which is equal to the salary of the Chief Justice of a High Court.

Provided that where the Chairperson is a person who has been a Judge of the Supreme Court, his salary and allowances shall be equal to the salary and allowances last drawn by him as Judge of the Supreme Court.

(b) Member, salary and allowances which is equal to the salary and allowances of a Judge of the High Court:

Provided that if a sitting judge of the High Court is appointed as member then notwithstanding anything contained in this rule, the rules regarding pay and allowances applicable to a Judge of the Gauhati High Court shall be applicable to him till the date of his superannuation and thereafter the provisions of this rule shall apply to him:

Provided that if the Chairperson at the time of his appointment, was in receipt of, or being eligible so to do, had elected to draw, a pension (other than disability pension) in respect of any previous service under the Central Government or the Government of a State, his salary in respect of the service as a Chairperson shall be reduced –

- (i) by the amount of such pension;
- (ii) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of such portion of the pension.

4. **Leave.** – (1) A person on appointment as :-

(a) the Chairperson shall be entitled to leave, as admissible to the Chief Justice of a High Court.

Provided that if the Chairperson has been a Judge of the Supreme Court, he shall be entitled to leave as admissible to a Judge of the Supreme Court.

(b) a member shall be entitled to leave as follows:-

(i) earned leave of fifteen days for every completed calendar year of service or a part thereof;

(ii) half pay leave on medical ground or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

(iii) leave on half pay can be commuted to full pay leave at the discretion of the member if it is taken on medical ground and is supported by a medical certificate from the competent medical authority;

(iv) Extraordinary leave without pay and allowances up to a maximum of one hundred eighty days in one term of office:

Provided that if any member has been a judge of the High Court he shall be entitled to leave as admissible to a Judge of the High Court.

(2) On the expiry of the term of office in the State Commission, the Chairperson and Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit, subject to the condition that the maximum of leave encashed

under this sub-rule or at the time of retirement from previous service, as the case may be or taken together shall not in any case exceed 300 days.

(3) The Chairperson and the members shall be entitled to receive dearness allowances as admissible on the leave salary under sub-rule (2) at the rates in force on the date of relinquishment of their office in the State Commission:

Provided that he shall not be entitled to city compensatory allowance or any other allowance on such leave.

(4) If a sitting Judge of the High Court is appointed as a member, then notwithstanding anything contained in sub-rules (1), (2) or (3), the provisions of chapter II of the High Court Judge (Conditions of Service) Act, 1954 shall apply to him upto the date of his superannuation as a sitting Judge of the High Court and thereafter he shall be entitled to leave in accordance with the provisions of sub-rules (1) to (3) of this rule.

5. **Leave Travel Concession.** – The Chairperson shall be entitled to leave travel concession at the same rates and at the same scales and on the same conditions as are applicable to the Chief Justice of High Court; and Members shall be entitled to leave travel concession at the same rates and at the same scales, and on the same conditions as are applicable to a Secretary to the Government of Meghalaya belonging to the Indian Administrative Service. However, if a sitting Judge of a High Court is appointed as a member, then notwithstanding anything contained in this rule, the rules applicable to a Judge of the Gauhati High Court shall be applicable till the date of his superannuation and thereafter the provisions of this rule shall apply:

Provided that in the case of the Chairperson who has been a Judge of the Supreme Court, he shall be entitled to the same leave travel concession as are admissible to a Judge of the Supreme Court under the Supreme Court Judges (Traveling Allowances) Rules, 1959 and in case of a member, who has been a Judge of a High Court, the rules applicable to a Judge of the High Court shall be applicable to him.

6. **Authority competent to grant.** – The Governor shall be the authority competent to sanction leave to the Chairperson and the Chairperson shall be the authority competent to sanction leave to a member.

7. **Travel Allowances and Daily Allowances.** – (i) While on tour (including the journey undertaken to join the State Commission or on the expiry of his term with the State Commission to proceed to his home town) the Chairperson shall be entitled to travel allowance, allowances for transportation of personal effects, daily allowance and other similar matters at the same scales and at the same rates as are admissible to the Chief Justice of a High Court:

Provided if the Chairperson has been a Judge of the Supreme Court, he shall be entitled to travel allowances which are referred in this sub-rule at the same scales and the same rates as are admissible to a Judge of the Supreme Court under the Supreme Court Judges (Traveling Allowances) Rules, 1959.

(ii) While on tour (including the journey undertaken to join the State Commission or on the expiry of his term with the State Commission to proceed to his home town) the Members shall be entitled to;

(a) Traveling allowance, allowances for transportation of personal effects and other similar matter at the same scales and at the same rates as are admissible to a Secretary to the Government of Meghalaya;

(b) Daily allowance at the same rates as are admissible to Secretary to the Government of Meghalaya;

Provided that if a sitting Judge of the High Court is appointed as member, notwithstanding anything contained in this rule, the rules applicable to a Judge of the High Court shall be applicable till the date of his superannuation and thereafter the provisions of this rule shall apply:

Provided further that where a member has been a Judge of the High Court he shall be entitled to travel allowances which are referred in this sub-rule at the same scales and same rates as are admissible to a Judge of the High Court.

8. **Other conditions of service**. – The conditions of service relating to provisions of accommodation, conveyance facilities, medical facilities and other conditions of service applicable to -

- (i) the Chief Justice of a High Court, shall apply to the Chairperson, and
- (ii) the sitting Judge of the High Court, shall apply to a member:

Provided that where the Chairperson is a person who has been a Judge of the Supreme Court, the conditions of service referred to in these rules shall be the same as applicable to a Judge of the Supreme Court under the Supreme Court Judges (Conditions of service) Act, 1959 and the rules made there under.

9. **Right to subscribe to provident fund** - Every person holding office as a Chairperson or a Member shall be entitled to subscribe to the General Provident Fund (Central Service).

10. **Pension** - The period served as a Chairperson/Member of the State Commission shall not be taken into consideration in any circumstance for calculation of pension and pensionary benefits.

11. **Residuary provisions**. – The conditions of service of the Chairperson and the members for which no express provision is made in these rules shall be determined by the rules and orders for the time being applicable to the Chief Justice of the High Court or Judge of a Supreme Court, as the case may be and to the sitting judge of the High Court respectively.

12. **Power to relax**. – Where the State Government is satisfied that the operation of any of these rules creates undue hardships to any particular case, it may, by order, relax the requirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

By the Order of Governor of Meghalaya,

V. R. SYIEM,
Joint Secretary to the Government of Meghalaya,
Political Department.